



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1650

justification; crime prevention; criminal damage

Purpose

Classifies knowingly defacing or damaging property of another person while possessing a deadly weapon as a criminal damage offense subject to a class 3 felony. Expands use of force justification to include that a property owner or the owner's representative reasonably believes that the threat or use of physical or deadly force is immediately necessary to prevent the offender from committing criminal damage.

Background

A person commits criminal damage by: 1) recklessly defacing or damaging property of another person; 2) recklessly tampering with property of another person so as to substantially impair its function or value; 3) recklessly damaging property of a utility; 4) recklessly parking any vehicle in such a manner as to deprive livestock of access to the only reasonably available water; 5) recklessly drawing or inscribing a message, slogan, sign or symbol that is made on any public or private building, structure or surface, except the ground, and that is made without permission of the owner; or 6) intentionally tampering with utility property. The penalty for criminal damage ranges from a class 2 misdemeanor to a class 4 felony depending on the monetary value of the damage caused ([A.R.S. § 13-1602](#)).

A person is justified in threatening or using both physical force and deadly physical force against another if and to the extent the person reasonably believes that physical force or deadly physical force is immediately necessary in certain situations, including to prevent the offender's commission of arson of an occupied structure, burglary in the second or first degree, kidnapping, and manslaughter ([A.R.S. § 13-411](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Deems, as justification for the threat or use of physical force or deadly physical force, that the owner or owner's representative of the property or land on which the property is located reasonably believes that physical force or deadly physical force is immediately necessary to prevent the offender from committing criminal damage.
2. Classifies, as criminal damage subject to a class 3 felony, knowingly defacing or damaging property of another person while possessing a deadly weapon or dangerous instrument.

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3. Makes technical and conforming changes.
4. Becomes effective on the general effective date.

Prepared by Senate Research

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